

Message Text

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PAGE 01 STATE 220775
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EUR/WE - E BEIGEL
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TO AMEMBASSY ROME
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AMEMBASSY PARIS

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USEEC, USOECD

E.O. 11652: GDS

TAGS: ETRD

SUBJECT: ANTITRUST: IBM ANTITRUST CASE

1. DEPARTMENT HAS BEEN INFORMED BY DEPARTMENT OF JUSTICE (DOJ) THAT QUOTE: IN 1969 THE ANTITRUST DIVISION FILED A CIVIL COMPLAINT IN THE SOUTHERN DISTRICT OF NEW YORK WHICH, AS AMENDED, CHARGED INTERNATIONAL BUSINESS MACHINES CORP. WITH ATTEMPTED MONOPOLIZATION OF THE U.S. MARKET IN GENERAL PURPOSE DIGITAL COMPUTER SYSTEMS IN VIOLATION OF SECTION 2 OF THE SHERMAN ACT (15 USC SECTION 2). THE GOVERNMENT COMPLETED PRESENTATION OF ITS CASE RECENTLY, AND IBM IS CURRENTLY PRESENTING LIVE TESTIMONY IN ITS OWN BEHALF.

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2. QUOTE: BY AN ORDER OF THE COURT, DATED APRIL 15, 1978, THE GOVERNMENT HAS BEEN GRANTED PERMISSION TO TAKE DEPOSITIONS OF AND SEEK PRODUCTION OF DOCUMENTS FROM CERTAIN INDIVIDUALS WHO HAVE BEEN IDENTIFIED BY IBM AS PROSPECTIVE TRIAL WITNESSES. ONE OF THE INDIVIDUALS IDENTIFIED BY IBM IS DR. MARISA BELLISARIO, A RESIDENT OF ITALY AND BELIEVED

TO BE AN ITALIAN CITIZEN. AT THE PRESENT TIME, DOJ IS ATTEMPTING TO WORK OUT AN ARRANGEMENT WITH COUNSEL FOR IBM WHEREBY THEY WOULD MAKE DR. BELLISARIO AVAILABLE FOR A DEPOSITION AND PRODUCE CERTAIN OF HER DOCUMENTS. IF THIS EFFORT FAILS, DOJ INTENDS TO CONTACT DR. BELLISARIO

DIRECTLY, AND REQUEST THAT SHE COOPERATE ON A VOLUNTARY BASIS BY SUPPLYING SPECIFIED DOCUMENTS AND SUBMITTING TO A DEPOSITION. UNQUOTE

3. EMBASSY IS REQUESTED TO NOTIFY APPROPRIATE HOST GOVERNMENT AGENCY, THAT IS THE MINISTERO DELL'INDUSTRIA, DEL COMMERCIO E DELL'ARTIGIANATO, DIREZIONE GENERALE DELLA PRODUZIONE INDUSTRIALE SERVIZIO VO, OF THE ABOVE IMPENDING ACTION IN ACCORDANCE WITH 1967 OECD RECOMMENDATION ON NOTIFICATION OF IMPENDING RESTRICTIVE BUSINESS PRACTICE ACTIONS REGARDING INTERESTS OF OTHER MEMBER STATES. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
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Copy: SINGLE
Draft Date: 30 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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